IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA

CHARLES MORROW, et al,)
Individually and on behalf of similarly)
situated employees,)
Plaintiffs,)) CIVIL ACTION NO.:) 3:07-CV-617-MHT
v.)
FLOWERS FOODS, INC., et al,)
Defendants.)

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR PROTECTIVE ORDER AND/OR MOTION TO QUASH NON-PARTY NATIONAL ACCOUNTS SUBPOENAS

Plaintiffs, by and through their undersigned counsel, respectfully submit this memorandum in opposition to Defendants' Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas. For the reasons set forth herein, Defendant's Motion should be denied for the foregoing reasons: (1) Defendants have not met their burden of "good cause" for the issuance of a protective order, (2) Defendants do not have standing to bring a motion to quash a non-party subpoena; (3) the Non-Parties who were served the subpoenas have not sought a protective order; (4) the information sought by the subpoenas is relevant as it directly addresses one of the Defendants' affirmative defenses; (5) the information is not duplicative to that already produced by the Defendants and Plaintiffs did first attempt to obtain this information from the Defendants; (6) Plaintiffs did not improperly serve the subpoenas; and (7) Defendants own subpoenas (attached as Exhibit A hereto) to third-parties specifically undermine

their arguments. For these reasons, this Court should enter an order denying Defendants' motion in its entirety.

FACTUAL BACKGROUND

On July 2, 2007, Plaintiffs Morrow and Overton filed a complaint alleging overtime violations under the FLSA against Defendants Flowers Foods, Inc., and its wholly owned subsidiary, Flowers Baking Co. of Opelika, LLC. Specifically, Plaintiffs alleged that both Flowers Foods and its subsidiary engaged in policies and practices that denied Plaintiffs time and a half for any hours worked over 40 in a work week. (Compl. ¶¶14-30, 45, D.E. No. 1). Since the time of filing, Plaintiffs' counsel were contacted by 10 other route distributors who sought to participate in this litigation who worked for Flowers Baking Co. of Opelika, LLC, and Flowers Baking Co. of Thomasville, LLC, who was subsequently added as a party. (*See*, Second Amended Compl., D.E. No. 54).

All three Defendants answered the Second Amended Complaint and raised as an affirmative defense that Plaintiffs' claims were barred by the "outside sales" exemption of the FLSA. (*See*, Answer of Flowers Foods, Inc. to Second Amended Compl., p.21, D.E. No. 58, Answer of Flowers/ Opelika to Second Amended Compl., p. 23, D.E. No. 59, Anders of Flowers/ Thomasville to Second Amended Compl., p. 23, D.E. No. 60).

On September 21, 2007, Plaintiffs filed their Motion to Conditionally Certify and Facilitate Class Notice and Memorandum in Support, pursuant to the Court's Uniform Scheduling Order. (D.E. No. 28) Defendants filed their Response in Opposition to Plaintiffs' Motion for Class Certification on October 17, 2007. (D.E. No. 42). Pursuant

to the Parties Rule 26 Report, Plaintiffs filed their Reply in Further Support to Plaintiffs Motion for Class Certification on November 8, 2007. (D.E. No. 55).

Between April 11, 2008 and April 15, 2008, Plaintiffs served subpoenas on the non-party national accounts who Defendants identified as specific national account customers of the named Plaintiffs in this action, namely: Family Dollar Stores, Inc., Wal-Mart Stores, Inc., Fred's Stores of Alabama, Inc., Publix Supermarkets, Inc., Winn-Dixie Stores, Inc., Bruno's, Inc., Southern Family Markets, LLC, Target Corporations, Sonic Restaurants, Inc; Arby's Inc, Burger King Corporation; Hardee's Food Systems, Inc., Sodexho, Inc., Chick-Fil-A, Inc., Zaxby's Holdings, and The Krystal Company. (Attached hereto as "Exhibit A").

Plaintiffs timely and properly notified Defendants of the subpoenas and provided Defendants with copies of the subpoenas. Additionally, Plaintiffs have provided Defendants with copies of the documents produced by certain of the non-party national accounts, namely Burger King Corporation, Chick-Fil-A, Inc., Publix Supermarkets, Inc., Southern family Markets, LLC, and Hardee's Food Systems, Inc.

Specifically, the subpoenas requested information from each of these national accounts to rebut Defendants' affirmative defense that Plaintiffs' claims were barred by the "outside sales" exemption of the FLSA. The discovery is clearly relevant as it

¹ Contrary to Defendants statements that the Court has explicitly agreed to limit the scope of discovery and asopted Defendants' proposed position that discovery of non-parties be limited only to Defendants "representative sampling" of documents pertaining to national accounts (See Defs. Brief in Support of the Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas, pp. 6-7, D.E. No. 104), no such limitation was ordered and the Court's Order does not address such issue but rather addressed the scope of Plaintiffs' 30(b)(6) deposition. Compare D.E. No. 64 and Defs. Brief in Support of the Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas, pp. 6-7, D.E. No. 104). Indeed, if the scope of discovery was limited by the Court to a representative sampling of documents produced by the parties, Defendants, by their own subpoenas to third parties who employed the named plaintiffs would have violated the Court's Order. See Exhibit A (28 subpoenas issued by Defendants to third parties where the named plaintiffs were employed at some point following their employment with Flowers Foods).

specifically concerns the affirmative defense raised by all Defendants and is not simply an issue pertaining to whether a nationwide class will be certified pursuant to Section 216(b). Indeed, Plaintiffs only served subpoenas to certain national accounts, the names of which were provided by the Defendants as the national accounts which were serviced by the named Plaintiffs in this action. The information requested was:

1. A Copy of your complete file referable to Flowers Foods, Inc., Flowers Bakery Group, Flowers Baking Co. of Opelika, LLC, and Flowers Baking Co. of Thomasville, LLC ("the Flowers entities"), including but not limited to, copies of all contracts, protocol agreements, and distribution agreements between you and the Flowers entities, and communications between you and the Flowers entities with respect to products distributed by any of the following Plaintiff distributors: Charles Morrow; Michael Overton; Lew Baxter; Melvin Snow; Ricky Small; Michael Smith; James Marty Smith; Greg Patisaul, Mark Murphy; Gary Chambliss; and Dwayne Cleveland.

This Request includes any and all documents held by you and/or any of your affiliated entities, divisions, subsidiaries, and/or franchises operating in either the states of Alabama and /or Georgia.

2. A copy of your complete file referable to any of the following Plaintiff route distributors: Charles Morrow; Michael Overton; Lew Baxter; Melvin Snow; Ricky Small; Michael Smith; James Marty Smith; Greg Patisaul, Mark Murphy; Gary Chambliss; and Dwayne Cleveland, including all documents describing the Flowers Foods, Inc., products distributed, any and all contracts, protocol agreements, and distribution agreements between you and any of the Flowers independent route distributor plaintiffs, and copies of all notes, memoranda, correspondence, and any other document that relates to negotiations between you and any Flowers route distributor plaintiffs for the past four (4) years.

This request includes any and all documents held by you and/or any of your affiliated entities, divisions, subsidiaries, and/or franchises operating in either the states of Alabama and/or Georgia.

(See, Defendants Brief in Support of its Mot. for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas, Exhibit F, D.E. No. 104-7).

ARGUMENT

Defendants' Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas is an effort to avoid proper discovery *concerning the* Plaintiffs participation in sales with these accounts, which is relevant to the defense of "outside sales," and which defense was raised by each Defendant. The subpoenas served by the Plaintiffs on these non-party national accounts seek discovery of these accounts' communications with the Flowers Defendants and/or named Plaintiffs in this action solely concerning "sales" made or attempted to be made by the named Plaintiffs. This information is necessary and relevant to establishing that the outside sales exemption does not apply and should not be quashed or protected.

1. Defendants have not met their burden to establish "good cause" demonstrating why a protective order should be issued.

Pursuant to Fed. R. Civ. P. 26(c), the party seeking a protective order precluding discovery bears the burden of establishing "good cause" for the issuance of a protective order. Good cause is established only where the moving party can make a specific demonstration of facts in support of a protective order. *Dunford v. Rolly Marin Serv. Co.*, 233 F.R.F. 635, 636 (S.D. Fla. 2005); *Kaiser Aluminum & Chem. Corp. v. Phosphate Eng'g & Constr. Co.*, 153 F.R.D. 686, 688 (M.D. Fla. 1994) ("for a protective order to be granted, a party must show that the information is confidential and that the disclosure would be harmful." The moving party's "conclusory or speculative statements about the need for a protective order and the harm which will be suffered without one" do not meet this burden. *Dunford*, 233 F.R.D. at 636.

Defendants do not say once in their entire twenty-page brief in support of the Motion for Protective order and/or Motion to Quash Non-Party National Accounts Subpoenas that the information sought is confidential or that the disclosure would be harmful. Defendants based their argument for a protective order on the mischaracterization that Plaintiffs are seeking class-wide discovery, which is blatantly

misstates the scope of the subpoenas, as each request is limited to and involves the products distributed by the Plaintiffs and the national accounts' files with respect to the Plaintiffs. Indeed, the subpoena request even limits geographically the locations where Plaintiffs believed the information would be contained, i.e. to the states of Alabama and Georgia. Defendants' objections and arguments fail to show how the administration of justice will be impeded by permitting the requested discovery to go forward, and thus the protective order and motion to quash should be denied.

2. Defendants lack standing to quash a non-party subpoena.

Defendants do not have standing to challenge a subpoena issued to a non-party. It is well established that, absent the assertion of a personal right or privilege, no one other than the person to whom a subpoena is directed has standing to challenge it. *See Brown v. Braddick*, 595 F.2d 961, 967 (5th Cir. 1979); *U.S.A. v. Idema*, 118 Fed. Appx. 740, 744 (4th Cir. 2005); *Smith v. Midland Brake, Inc.*, 162 F.R.D. 683, 685 (D.Kan. 1995) (A motion to quash or modify a subpoena may only be made by the party to whom the subpoena is directed except where the party seeking to challenge the subpoena has a personal right or privilege with respect to the subject matter requested in the subpoena); *Sterling Merchandising, Inc. v. Nestle, S.A.*, 470 F. Supp. 2d 77, 81 (D. Puerto Rico 2006)(only the recipient of the subpoena may move to quash unless the movant is asserting its own privilege). *See also McCoy v. Southwest Airlines Co., Inc.*, 211 F.R.D. 381, 384 (C.D Cal. 2002)(only the non-party can prevent disclosure by objection and that party whom the records pertain cannot object); *McCabe v. Ernst & Young, LLP*, 221, F.R.D. 423 (D.N.J. 2004).

In the present case, the Defendants have not asserted a privilege or a personal right with respect to the subject matter requested in the subpoenas. In fact, Defendants' arguments are based solely on the notion that they have produced and/or will produce the information sought by these subpoenas and that the information requested is class-wide in scope, which, for reasons explained below, is baseless and without merit. The material requested in the subpoenas relates to the national accounts' relationship with the specific Plaintiffs, which (as discussed below) directly concerns the issue of the outside sales exemption – which is an affirmative defense raised by Defendants in this litigation.

Indeed, to date, no non-party has sought a protective order and as identified above, certain non-parties have, in fact, produced responsive documents which in turn have been provided to the parties. Therefore, this Court should deny the motion to quash and Defendants have no legal basis to stand on.

3. The information sought by these subpoenas is relevant and speaks directly to one of Defendants' affirmative defenses.

Federal Rule of Civil Procedure 26² states that "Parties may obtain discovery regarding any non-privileged matter that is relevant to any party's claim or defense." F.R.C.P. 26(b)(1). The information sought in Plaintiffs' subpoena is clearly relevant to the named plaintiffs' claims and defenses. Moreover, the scope is narrowly tailored as it does not seek the pre-conditional class wide discovery that Defendants repeatedly declare in their request for a protective order. Moreover, it is incredible that Defendants could say the information sought is "completely irrelevant to the only issue subject to discovery at this stage of the lawsuit: that is whether Plaintiffs were denied overtime wages in

² The scope in responding to a subpoena pursuant to Rule 45 is the same that applies generally to the scope of discovery under Rule 26. See Graham v. Casey's General Stores, 206 F.R.D. 251, 253-54 (S.D. Ind. 2002).

violation of the FLSA," as Plaintiffs are seeking information directly related to Defendants' Twelfth Affirmative Defense, i.e. the Outside Sales Exemption, which directly speaks to the issue of whether Plaintiffs are entitled to overtime wages. (*See*, Defs. Brief in Support of its Motion for Protective Order and/or Motion to Quash Non-Party Subpoenas, p. 13, D.E. No. 104).

Defendants contend that the subpoenas, in the first request, also seek negotiations which do not pertain to or involve Plaintiffs or products sold by Plaintiffs to the national accounts, but Defendants completely disregard the plain language of the subpoenas in making such an assertion. The subpoenas expressly command production of information regarding the products distributed by the named Plaintiffs in this litigation. Indeed, the national accounts which were subpoenaed were identified from a list provided by Defendants at the Flowers Foods Inc. 30(b)(6) deposition, where the Defendant's designee identified the national accounts that the various named Plaintiffs serviced.

Additionally, Defendants' objection to the second request arguing that the testimony provided in the 30(b)(6) deposition adequately describes the communications between the national accounts and the Plaintiffs who serviced them during the relevant time period for the litigation, misses the point as such testimony although arguably relevant to the outside sales exemption, does not eliminate the need to obtain this information to rebut defendants affirmative defense. Indeed, it would be illogical to allow Defendants to continue to raise this affirmative defense and simultaneously deny the named plaintiffs their ability to rebut the defense by precluding the discovery sought by the subpoenas. Plaintiffs requested the complete file, which would include any negotiations the Plaintiffs may have had with the stores they serviced during the relevant

time period, not merely the initial business contact which Defendants refer to in the deposition of David Roach. (*See* Defs. Brief in Support of the Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas, p. 14, D.E. No. 104). If these accounts are truly the Plaintiffs' customers, Defendants' 30(b)(6) corporate designee would not have the knowledge to provide information on such communications between Plaintiff and customer.

4. The information sought is not duplicative.

Plaintiffs seek records that would illustrate the communications and the relationship between the national accounts and the Plaintiffs- a relationship which Defendants contend is a separate independent business relationship. It is difficult to understand how a corporate representative of Defendant Flowers Foods, Inc., can effectively describe a purportedly separate, independent business relationship they contend exists between the route distributor Plaintiffs and their customers.

Defendants declare this information to be duplicative, but yet, in their brief, they admit they have not produced the whole of this information to the Plaintiffs, instead providing only a representative sampling.³ Defendants contend Plaintiffs have not used any documents from the national accounts in the 30(b)(6) deposition, but Plaintiffs did use the Protocol Agreement for Wal-Mart and Winn Dixie as exhibits for the 30(b)(6) deposition.⁴ Furthermore, Plaintiffs, in correspondence dated March 19, 2008, had complained to Defendants as to their "representative sampling of documents," attached as

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³ Plaintiffs do not agree with the statement made by Defendants that Plaintiffs agreed to the production of only a "representative sample" but rather that they would review the initial production and thereafter determine if they needed additional information. In fact, when plaintiffs requested further information from Defendants, they objected.

⁴ It should be noted that as of the time of the 30(b)(6) deposition, Defendants had not produced any other agreements or contracts regarding the national accounts.

Exhibit "A." Defendants in their brief cite to their production of documents dated April 25, 2008, but this was after the subpoenas were served and after Defendants had notice of said subpoenas. Because Plaintiffs have not had access to this information and it is relevant to the claims of the individual Plaintiffs, Defendants' Motion to Quash should be denied.

5. Defendants were not prejudiced by Plaintiffs' service of the subpoenas.

As stated above, Plaintiffs are not engaging in improper discovery through these subpoenas as they are tailored to the Plaintiffs in the action and they directly speak to one of the affirmative defenses of the Defendants. Defendants argue that the delay in notice of the subpoenas prevented them from objecting to the scope of the subpoenas, but they, notwithstanding their lack of standing to even file a motion to quash, have already filed their motion, thus rendering this argument moot.

Defendants further take issue with the fact that the subpoenas were not signed when served upon the national accounts. The national accounts to whom the subpoenas were served have not objected to the lack of signature but instead have accepted service of the subpoenas, and thus the defect should be waived. See, Atlantic Inv. Management, LLC v. Millennium Fund I, Ltd., 212 F.R.D. 395, 397 (N.D. Ill. 2002) (where the Court stated the lack of attorney signature on the subpoena was waived since the person to whom the subpoena was directed did not object and, indeed, accepted the subpoena). In addition, the subpoena was signed when the declaration of service was sent to Defendants, and thus, the intent to take responsibility for the subpoena by Greg Davis, one of the attorneys for Plaintiffs, was evidenced. *Id.* at 397 (where the Court found that since the attorney did sign the declaration of service as well as the petition to enforce the subpoena, he had evidenced his intent to take responsibility for issuing the subpoena and the omission of his signature was mere oversight).

6. Defendants' Own Acts Undermine their Motion

It should be noted that, although Defendants have raised a number of arguments concerning Plaintiffs' subpoenas to the national accounts serviced by the named plaintiffs, they have issued over twenty-eight (28) subpoenas to current and former employees of the named plaintiffs.⁵ Specifically, Defendants' subpoenas⁶ seek:

All documents that discuss, describe, reflect, or refer to the employment of [Plaintiff], including all personnel files and documents; employment applications; all documents reflecting discipline and separation from employment; all documents reflecting any complaints or grievances; all documents reflecting any separation or severance package; document reflecting [Plaintiff's] compensation and benefit package; and all documents relating to any claims for unemployment; provided however, this request does not include payroll records, time records, medical records, or any other documents containing personal medical information.

See Exhibit A (attached hereto). It is clear from these 28 subpoenas that Defendants seek information concerning plaintiffs' current or former employers to argue that the outside sales exemption applies to this action. Thus, Defendants' arguments that plaintiffs' discovery into the national accounts they service is irrelevant is simply belied by the facts. Thus, Defendants' own actions demonstrate that their motion is unfounded and should be denied.

⁵ A list of the names of these employers and the actual subpoenas is attached as Exhibit "A."

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⁶ Plaintiffs would note that these subpoenas would directly violate Defendants' own understanding of the Court's Order by seeking records concerning the named plaintiffs' employment at other entities. In any event, Plaintiffs dispute that the records sought by Defendants' subpoenas would have any bearing on the defenses raised by Defendants.

CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request that the Court deny the Motion for Protective Order and/or Motion to Quash Non-Party National Accounts Subpoenas.

This 7th day of May, 2008.

Respectfully Submitted,

/s/ Joseph P. Guglielmo

OF COUNSEL:

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WOOD LAW FIRM, LLC 2900 1st Avenue South, Suite A Birmingham, Alabama 35233 205-612-0243 E. Kirk Wood (ASB-2937-W55E) ekirkwood1@cs.com

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2008, a copy of the foregoing was served on the following counsel via the CM/ECF electronic filing system:

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> /s/ Joseph P. Guglielmo OF COUNSEL

EXHIBIT "A"

No.	Plaintiff	Employer Name
1.	Ricky Small	American Candy Company of Selma,
		Alabama
2.	Ricky Small	BE & K Construction Headquarters
3.	Ricky Small	Sara Lee
4.	Ricky Small	Wal-Mart
5.	Ricky Small	Simcala, Inc.
6.	Mark Murphy	Burger King
7.	Mark Murphy	Rent-A-Center
8.	Michael Smith	Bentler Automotive
9.	Michael Smith	Russell Corporation
10.	Charles Morrow	Capital Chevrolet
11.	Charles Morrow	Royal Crown Cola
12.	Melvin Snow	Coca Cola Bottling Company
13.	Melvin Snow	Phillie's Cigar Company
14.	Marty Smith	CommuniComm Cable Services
15.	Marty Smith	Security Pest Control
16.	Marty Smith	Superior Pest Control
17.	Marty Smith	Wal-Mart
18.	Marty Smith	Wadley Police Department
19.	Lew Baxter	Workforce of Montgomery
20.	Lew Baxter	Hanson Pipe & Products
21.	Dwayne Cleveland	Genuine Auto Parts
22.	Dwayne Cleveland	Lowe's Auto Parts
23.	Dwayne Cleveland	McConnell Honda
24.	Gary Chambliss	McKee Foods
25.	Gary Chambliss	Chambliss Distributors, Inc.
26.	Michael Overton	Five Star Food Service
27.	Michael Overton	James Cable Partners
28.	Greg Patisaul	Patisaul Pressure Washing

No. 1

Ricky Small **American Candy Company** of Selma, Alabama

United States District Court

	MIDDLE	DISTRICT OF _	ALABAMA
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Birmingham, AL 35203

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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden,
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

No. 2

Ricky Small BE & K Construction Headquarters

United States District C

MIDDLE	DISTRICT OF	ALABAMA
CHARLES MORROW, et al,		
V.		SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et	al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employme BE & K Construction He 2000 International Park Birmingham, AL 35243	adquarters ·	
☐ YOU ARE COMMANDED to appear estify in the above case.	in the United States District Con	urt at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
		DATE AND TIME
		*
I YOU ARE COMMANDED to appear the above case.	at the place, date, and time spe	cified below to testify at the taking of a deposition
······································		
PLACE OF DEPOSITION		DATE AND TIME
PLACE OF DEPOSITION		DATE AND TIME
* YOU ARE COMMANDED to productions, date, and time specified below (e and permit inspection and copy	tying of the following documents or objects at the
* 2 YOU ARE COMMANDED to product ace, date, and time specified below (Il documents that discuss, describe 403), including all personnel files and apployment; all documents reflecting becoments reflecting Ricky Antonio Speciments provided, however, the second accordance of the provided and the	ilst documents or objects); a, reflect, or refer to the employ documents; employment applicancy; any complaints or grievances; a Small's compensation and bene his request does not include p	ying of the following documents or objects at the ment of Ricky Antonio Small (DOB: 09/26/1967; SS# 417-1 ations; all documents reflecting discipline and separation fro Il documents reflecting any separation or severance package
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

205/328-1900

		PROOF (DF SERVICE
	DATE	PLACE	
İ			
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)		<u></u>	TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on	
		DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (dl(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

No. 3

Ricky Small Sara Lee

MIDDLE	DISTRICT OF	ALABAMA
CHARLES MORROW	√. et al.	
	, , , ,	SUBPOENA IN A CIVIL CAS
V.		SCOT ODIVIN IN A CIVIL CA
FLOWERS FOODS, I	NC., et al,	CASE NUMBER: 3:07-cv-617-MHT
	ployment Records	
Sara Lee		
2900 Selma Hwy Montgomery, AL		
Montgomery, AL	30100	
YOU ARE COMMANDED to estify in the above case.	o appear in the United States District Court	at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
•		DATE AND TIME
		*
YOU ARE COMMANDED to	o appear at the place, date, and time specific	ed below to testify at the taking of a deposition
the above case. PLACE OF DEPOSITION		
CACE OF DEPOSITION		DATE AND TIME
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≠YOU ARE COMMANDED to		
I documents that discuss, (103), including all personnel inployment; all documents recuments reflecting Ricky Alemployment; provided, how	describe, reflect, or refer to the employme files and documents; employment application if ecting any complaints or grievances; all describes Small's compensation and benefit wever, this request does not include payre	ns; all documents reflecting discipline and separation fro ocuments reflecting any separation or severance packa
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Sandra B. Reiss, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

205/328-1900

	DATE	PLACE	DF SERVICE
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SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
	J		-
		DECLARATIO	ON OF SERVER .
l declare und tained in the Proof of	ler penalty of perjury Service is true and	under the laws of the correct.	United States of America that the foregoing information con-
Executed on	***************************************		

ADDRESS OF SERVER

SIGNATURE OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
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 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case 3:07-cv-00617-MHT-TFM Document 115-2 Filed 05/07/2008 Page 11 of 85

No. 4

Ricky Small Wal-Mart

IInital	Ctatas	D:	~
Umited	States	District	Court

	_		istrict Court
	MIDDLE	DISTRICT OF _	ALABAMA
CHARI	LES MORROW, et al,		
	v.		SUBPOENA IN A CIVIL CAS
FLOWI	ERS FOODS, INC., et a	al,	CASE NUMBER: 3:07-cv-617-MHT
. V	Custodian of Employmer Val-Mart 501 Alabama Hwy 14E selma AL 36703	nt Records	
□ YOU AF testify in t	RE COMMANDED to appear in he above case,	n the United States District Cour	t at the place, date, and time specified below to
PLACE OF TES	TIMONY		COURTROOM
*			*
			DATE AND TIME
			*
I YOU AR the abov	E COMMANDED to appear at the case	t the place, date, and time speci	fied below to testify at the taking of a deposition
PLACE OF DEPO			
			DATE AND TIME
*			*
II docume 403), inclumploymen ocuments nemploym	ents that discuss, describe, adding all personnel files and dist; all documents reflecting ar reflecting Ricky Antonio Sn	reflect, or refer to the employment application ocuments; employment application complaints or grievances; all all's compensation and benefications are used to the part of th	ent of Ricky Antonio Small (DOB: 09/26/1967; SS# 417-1 ions; all documents reflecting discipline and separation fro documents reflecting any separation or severance package t package; and all documents relating to any claims for the records, time records, medical records, or any other records.
LACE Offic	es of Ogletree, Deakins, Nash	n, Smoak & Stewart P.C.	DAYE AND TIME
One 600	Federal Place, Suite 1000 Peachtree Street, Suite 2100 Ita, GA 30308		February 20, 2008 10:00 am
YOU AR	E COMMANDED to permit in:	spection of the following premis	es at the date and time specified below.
EMISES		premis	DATE AND TIME
			POLE AND THRIE
			*
son desig	nated, the matters on which	the person will testify. Federal	cing of a deposition shall designate one or more sestify on its behalf, and may set forth, for each Rules of Civil Procedure, 30(b)(6).
SUING OFFICER	SIGNATURE AND TITLE (INDICATE IF ATTORNI	EY FOR PLAINTIFF OR DEFENDANT)	DATE
\mathcal{S}	udros Klein	Sandra B. Reiss, E Attorney for Defend	
SUING OFFICER	'S NAME, ADDRESS AND PHONE NUMBER		

Sandra B. Reiss, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

205/328-1900

· · · · · · · · · · · · · · · · · · ·			ROOF OF SERVICE	
	DATE	PLACE		
SERVED				
SERVED ON (PRINT NAME)			MANNER OF SERVICE	
		West Control of the C		
SERVED BY (PRINT NAME)			TITLE	
		· DECL	ARATION OF SERVER	-
l declare ur ined in the Proof (nder penalty of	perjury under the laws	of the United States of America that the forego	ing information cor

Executed on _ DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

No. 5

Ricky Small Simcala, Inc.

	United States I	District Court	
MIDDLE	DISTRICT OF	ALABAMA	
CHARLES MORROW, et a	al,		
V.		SUBPOENA IN A CIVIL CAS	
FLOWERS FOODS, INC.,	et al,	CASE NUMBER: 3:07-cv-617-MHT	
TO: Custodian of Employi Simcala, Inc 1940 Ohio Ferro Alloy Montgomery, AL 3610	s Rd.		
☐ YOU ARE COMMANDED to appetestify in the above case.	ear in the United States District Co	urt at the place, date, and time specified below to	
PLACE OF TESTIMONY		COURTROOM	
*		*	
		DATE AND TIME	
☐ YOU ARE COMMANDED to appein the above case.	ar at the place, date, and time spe	cified below to testify at the taking of a deposition	
PLACE OF DEPOSITION		DATE AND TIME	
*		*	
place, date, and time specified below All documents that discuss, descri 3403), including all personnel files a employment; all documents reflecting documents reflecting Ricky Antonic	w (list documents or objects): libe, reflect, or refer to the employ nd documents; employment applic ng any complaints or grievances; a o Small's compensation and ben this request does not include p	ying of the following documents or objects at the ment of Ricky Antonio Small (DOB: 09/26/1967; SS# 417-13 sations; all documents reflecting discipline and separation from all documents reflecting any separation or severance package efit package; and all documents relating to any claims for payroll records, time records, medical records, or any other	
	Nash, Smoak & Stewart, P.C.	DATE AND TIME February 20, 2008	
Offices of Ogletree, Deakins, One Federal Place, Suite 100 600 Peachtree Street, Suite 2 Atlanta, GA 30308		10:00 am	
One Federal Place, Suite 100-600 Peachtree Street, Suite 2 Atlanta, GA 30308			
One Federal Place, Suite 100 600 Peachtree Street, Suite 2 Atlanta, GA 30308		10:00 am	

Sandra B. Reiss, Esq. Attorney for Defendant

February

, 2008

Sandra B. Reiss, Esq.

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

205/328-1900

			PROOF OF SERVICE	
	DATE	PLACE		
SERVED				
SERVED ON (PRINT NAM	ME)		MANNER OF SERVICE	
SERVED BY (PRINT NAM	1E)		TITLE	
		DEC	CLADATION OF GENVEN	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

No. 6

Mark Murphy Burger King

United States District Court

MIDDL	E DISTRICT	ΓOF <u>ALABAMA</u>
CHARLES MOR	ROW, et al,	SUBPOENA IN A CIVIL CASE
V.		
FLOWERS FOO	DS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
Burger King 801 New F	of Employment Records g ranklin Road Georgia 30240	•
☐ YOU ARE COMMAN	NDED to appear in the United States D	istrict Court at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
		DATE AND TIME
☐ YOU ARE COMMAN in the above case.	NDED to appear at the place, date, and	time specified below to testify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
*		*
place, date, and time s All documents that dis including all personnel employment; all docum documents reflecting l unemployment; provide	pecified below (list documents or objectuss, describe, reflect, or refer to the files and documents; employment nents reflecting any complaints or grie (erry Mark Murphy's compensation	and copying of the following documents or objects at the cts): employment of Kerry Mark Murphy (DOB: 01/1958, Set 257 02 2000); applications; all documents reflecting discipline and separation from vances; all documents reflecting any separation or severance package; and benefit package; and all documents relating to any claims for include payroll records, time records, medical records, or any other
PLACE Offices of Ogletr	ree, Deakins, Nash, Smoak & Stewart,	P.C. DATE AND TIME
One Federal Plac	ce, Suite 1000 Street, Suite 2100	February 20, 2008 10:00 am
☐ YOU ARE COMMAN	NDED to permit inspection of the follow	wing premises at the date and time specified below.
PREMISES		DATE AND TIME
*		*
itticers, directors, or ma	anaging agents, or other persons who	d for the taking of a deposition shall designate one or more consent to testify on its behalf, and may set forth, for each y. Federal Rules of Civil Procedure, 30(b)(6).
ISSUING OFFICER SIGNATURE AND	TITLE (INDICATE) FATTORNEY FOR PLAINTIFF OR DEFENDA	B. Reiss, Esq. of for Defendant February , 2008
ISSUING OFFICER'S NAME, ADDRE	SS AND PHONE NUMBER	

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000 Birmingham, AL 35203

205/328-1900

PROOF OF SERVICE			
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
DECLARATION OF SERVER			

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the Issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

No. 7

Mark Murphy Rent-A-Center

United States District Court

Office Dates Dis	aret Court
MIDDLE DISTRICT OF	ALABAMA
CHARLES MORROW, et al,	
V.	SUBPOENA IN A CIVIL CASI
FLOWERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employment Records Rent-A-Center 131 Commerce Avenue LaGrange, Georgia 30241	
☐ YOU ARE COMMANDED to appear in the United States District Court at testify in the above case.	the place, date, and time specified below to
PLACE OF TESTIMONY	COURTROOM
*	*
	DATE AND TIME
TI VOLLARE COMMANDED	*
\square YOU ARE COMMANDED to appear at the place, date, and time specified in the above case.	below to testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
*	
☑ YOU ARE COMMANDED to produce and permit inspection and copying o	fabra fall
place, date, and time specified below (list documents or objects): All documents that discuss, describe, reflect, or refer to the employment of notice and documents; employment applications; a semployment; all documents reflecting any complaints or grievances; all documents reflecting Kerry Mark Murphy's compensation and benefit paynemployment; provided, however, this request does not include payroll documents containing personal medical information.	of Kerry Mark Murphy (DOB: 01/1958 Il documents reflecting discipline and separation from uments reflecting any separation or severance package;
PLACE Offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C.	DATE AND TIME
One Federal Place, Suite 1000 600 Peachtree Street, Suite 2100	February 20, 2008
Atlanta, GA 30308	10:00 am
☐ YOU ARE COMMANDED to permit inspection of the following premises a	at the date and time specified below
PREMISES	DATE AND TIME
*	*
Any organization not a party to this suit that is subpoenaed for the taking fficers, directors, or managing agents, or other persons who consent to test erson designated, the matters on which the person will testify. Federal Rule	ify on its habalf and many of the
SSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE DATE
Sandra B. Reiss, Esq. Attorney for Defendant	- Landa
SSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	February , 2008

Sandra B. Reiss, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203 205/328-1900

PROOF OF SERVICE			
	DATE	PLACE	
SERVED	-		
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
		!	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on	
		DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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No. 8

Michael Smith Bentler Automotive

Thatal	C	T	\sim .
	SHRIFE	District	(\cap)
O TITLOOT			

	MIDDLE DISTRICT	OF <u>ALABAMA</u>
CHA	ARLES MORROW, et al,	
	,,	SUBPOENA IN A CIVIL CAS
	V.	SOLI OLI III II II CAN
FLO	WERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO:	Custodian of Employment Records Bentler Automotive 4401 North Park Drive Opelika, AL 36801	
J YOU estify	J ARE COMMANDED to appear in the United States Dis in the above case.	strict Court at the place, date, and time specified below to
PLACE 0	PF TESTIMONY	COURTROOM
*	•	*
		DATE AND TIME
		*
] YOU the a	J ARE COMMANDED to appear at the place, date, and tabove case.	ime specified below to testify at the taking of a deposition
	F DEPOSITION	DATE AND TIME
		DATE AND TIME
*		
* I YOU	J ARE COMMANDED to produce and permit inspection	and copying of the following documents or chicota at the
YOU ace, d Il doc 518), i nployr ocume	nate, and time specified below (list documents or object numents that discuss, describe, reflect, or refer to the including all personnel files and documents; employment ment; all documents reflecting any complaints or grievents ants reflecting Michael Shay Smith's compensation a	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 at applications; all documents reflecting discipline and separation from the second of t
I YOU ace, d I doc 518), i nployr cume emplo	uments that discuss, describe, reflect, or refer to the including all personnel files and documents; employment ment; all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not intents containing personal medical information.	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 at applications; all documents reflecting discipline and separation from ances; all documents reflecting any separation or severance packagend benefit package; and all documents relating to any claims for the clude payroll records, time records, medical records, or any other
I YOU ace, d I doc 518), i nployr cume emplo cume	uments that discuss, describe, reflect, or refer to the including all personnel files and documents; employment all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not in ents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 at applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the payroll records, time records, medical records, or any other contents.
I YOU ace, d I doc 618), i nployi cume emplo cume	uments that discuss, describe, reflect, or refer to the including all personnel files and documents; employment all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not in ents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000 600 Peachtree Street, Suite 2100	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 at applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the clude payroll records, time records, medical records, or any other seconds.
I YOU ace, d I doc 518), i nployi cume cume	contents and time specified below (list documents or object numents that discuss, describe, reflect, or refer to the including all personnel files and documents; employment ment; all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not intents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000 atlanta, GA 30308	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the country of the payroll records, time records, medical records, or any other particles. P.C. DATE AND TIME February 20, 2008 10:00 am
I YOU ace, d I doc 618), i apployment cume cume ACE C 6 A I YOU	uments that discuss, describe, reflect, or refer to the including all personnel files and documents; employment all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not in ents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the clude payroll records, time records, medical records, or any other conditions. P.C. DATE AND TIME February 20, 2008 10:00 am Ing premises at the date and time specified below.
I YOU ace, d I doc 618), i apployment cume cume ACE C 6 A I YOU	contents and time specified below (list documents or object numents that discuss, describe, reflect, or refer to the including all personnel files and documents; employment ment; all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not intents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000 atlanta, GA 30308	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the country of the payroll records, time records, medical records, or any other particles. P.C. DATE AND TIME February 20, 2008 10:00 am
I YOU ace, of I doc 518), i nployi cume cume Cume	comments that discuss, describe, reflect, or refer to the fincluding all personnel files and documents; employment all documents reflecting any complaints or grievents reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not in ents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000 atlanta, GA 30308 J ARE COMMANDED to permit inspection of the following the stewart of the following stewart of the follo	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims for the clude payroll records, time records, medical records, or any other conditions. DATE AND TIME February 20, 2008 10:00 am Ing premises at the date and time specified below. DATE AND TIME *
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Any conditions of the conditio	uments that discuss, describe, reflect, or refer to the including all personnel files and documents; employmer ment; all documents reflecting any complaints or grievants reflecting Michael Shay Smith's compensation a coyment; provided, however, this request does not in ents containing personal medical information. Offices of Ogletree, Deakins, Nash, Smoak & Stewart, Fone Federal Place, Suite 1000 at lanta, GA 30308 J ARE COMMANDED to permit inspection of the following organization not a party to this suit that is subpoenaed directors, or managing agents, or other persons who collesignated, the matters on which the person will testify sender and title indicate if attorney for plaintiff or defendant sandra.	and copying of the following documents or objects at the s): employment of <i>Michael Shay Smith</i> (DOB: 10/24/1968, SS# 423-1 applications; all documents reflecting discipline and separation from the ances; all documents reflecting any separation or severance package and benefit package; and all documents relating to any claims of a clude payroll records, time records, medical records, or any other constant and the payroll records are records, and the payroll records are records, medical records, or any other constant to testify on its behalf, and may set forth, for each records are records. Federal Rules of Civil Procedure, 30(b)(6).

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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SERVED ON (PRINT NAM	E)		MANNER OF SERVICE	
SERVED BY (PRINT NAME	-)	***************************************	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	ดภ		
		DATE	

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Michael Smith Russell Corporation

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	DISTRICT OF ALABAMA
MIDDLE	DISTRICT OF <u>ALABAMA</u>
CHARLES MORROW, et al,	
V.	SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employment F Russell Corporation 755 Lee Street Alexander City, AL 35010 PO Box 272 (35011)	Records .
I YOU ARE COMMANDED to appear in the estify in the above case.	e United States District Court at the place, date, and time specified below to
PLACE OF TESTIMONY	COURTROOM
*	*
	DATE AND TIME
VOLUME COMMISSION	*
the above case.	e place, date, and time specified below to testify at the taking of a deposition
LACE OF DEPOSITION	DATE AND TIME
	i *
YOU ARE COMMANDED to produce and	permit inspection and copying of the following documents or objects at the
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Sandra B. Reiss, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

PROOF OF SERVICE			
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
		DECLARATIO	ON OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Charles Morrow Capital Chevrolet

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MIDDLE DIGGERAL	
MIDDLE DISTRICT OF	ALABAMA
CHARLES MORROW, et al,	
V.	SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employment Records Capital Chevrolet 711 Eastern Bypass Montgomery, AL 36117	
☐ YOU ARE COMMANDED to appear in the United States District C testify in the above case.	Court at the place, date, and time specified below to
PLACE OF TESTIMONY	COURTROOM
*	*
	DATE AND TIME
	*
J YOU ARE COMMANDED to appear at the place, date, and time sport the above case.	pecified below to testify at the taking of a deposition
PLACE OF DEPOSITION	
	DATE AND TIME
*	*
YOU ARE COMMANDED to produce and permit inspection and collace, date, and time specified below (list documents or objects): II documents that discuss, describe, reflect, or refer to the emp	ployment of Charles E. Marrow (DOD: 49/4/4040, 20% 447 50
mployment; all documents reflecting any complaints or grievances; ocuments reflecting Charles E. Morrow's compensation and ben nemployment; provided, however, this request does not include	all documents reflecting any separation or severance package
mployment; all documents reflecting any complaints or grievances; ocuments reflecting Charles E. Morrow's compensation and ben nemployment; provided, however, this request does not include ocuments containing personal medical information.	all documents reflecting any separation or severance package
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proposed and personnel files and documents; employment apply imployment; all documents reflecting any complaints or grievances; occuments reflecting Charles E. Morrow's compensation and ben nemployment; provided, however, this request does not include occuments containing personal medical information. PLACE Offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. One Federal Place, Suite 1000 600 Peachtree Street, Suite 2100 Atlanta, GA 30308	all documents reflecting any separation or severance package nefit package; and all documents relating to any claims for payroll records, time records, medical records, or any othe DATE AND TIME February 20, 2008 10:00 am
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mployment; all documents reflecting any complaints or grievances; comments reflecting Charles E. Morrow's compensation and ben nemployment; provided, however, this request does not include ocuments containing personal medical information. PLACE Offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. One Federal Place, Suite 1000 600 Peachtree Street, Suite 2100 Atlanta, GA 30308 I YOU ARE COMMANDED to permit inspection of the following pre REMISES Any organization not a party to this suit that is subpoenaed for the ficers, directors, or managing agents, or other persons who consent rson designated, the matters on which the person will testify. Federace of the ficers of the following present directors.	DATE AND TIME Teta the date and time specified below. DATE AND TIME Pemises at the date and time specified below. DATE AND TIME * The taking of a deposition shall designate one or more to testify on its behalf, and may set forth, for each peral Rules of Civil Procedure, 30(b)(6). DATE

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

	PROOF OF SERVICE			
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OBJUST DI TENNE IMME	,		TITLE	
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I declare tained in the Proof	under penalty of f of Service is tr	f perjury under the laws ue and correct.	of the United States of America that the foregoing information con-	
Executed on				
D	ATE		SIGNATURE OF SERVER	

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
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- (i) requires disclosure of a trade secret or other confidential research. development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Charles Morrow Royal Crown Cola

United States District Court

MIDDLE		
	DISTRICT OF	ALABAMA
CHARLES MORROW, et al.	3	
V.		SUBPOENA IN A CIVIL CA
FLOWERS FOODS, INC., et	al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employme Royal Crown Cola 14 Cottonhill Road Eufaula, AL 36027	ent Records	
☐ YOU ARE COMMANDED to appear cestify in the above case.	in the United States District Cour	t at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
		DATE AND TIME
YOU ARE COMMANDED to appear	at the place date, and time appoin	ied below to testify at the taking of a deposition
the above case.		led below to testify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
*		
LYOU ARE COMMANDED		g of the following documents or objects at the
ace, date, and time specified below (ist documents or objects).	a documents of objects at the
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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SERVED BY (PRINT NAME)				
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (lii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Melvin Snow Coca Cola Bottling Company

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L	nited	States	1)19	strict	Court

	MIDDLE DISTRIC	T OF ALABAMA
CHA	ARLES MORROW, et al,	
	, ,	SUBPOENA IN A CIVIL CA
	V.	SCHOENA IN A CIVIL CA
FLO	OWERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
то:	Custodian of Employment Records Coca Cola Bottling Company 300 Coca Cola Rd. Montgomery, AL 36105	
□ YOU estify	U ARE COMMANDED to appear in the United States [\prime in the above case.	District Court at the place, date, and time specified below to
PLACE (OF TESTIMONY	COURTROOM
*		*
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YOU	J ARE COMMANDED to appear at the place, date, and	time specified below to testify at the taking of a deposition
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance:
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
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Melvin Snow Phillie's Cigar Company

United States District Court

MIDDLE	_ DISTRICT OF	ALABAMA
CHARLES MORROW, et al,		
V.		SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et al,		CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employment Re I Phillie's Cigar Company Morgan Street Selma, AL 36701	≎cords	·
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PLACE OF TESTIMONY		COURTROOM
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		*
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PLACE OF DEPOSITION		
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A CC	 	
Offices of Ogletree, Deakins, Nash, Sm	nak & Stawart B.C	DATE AND TIME
One rederal Place, Suite 1000	ioak & Stewart, P.C.	DATE AND TIME February 20, 2008
600 Peachtree Street, Suite 2100	oak & Stewart, P.C.	February 20, 2008 10:00 am
600 Peachtree Street, Suite 2100 Atlanta, GA 30308		February 20, 2008 10:00 am
600 Peachtree Street, Suite 2100 Atlanta, GA 30308 YOU ARE COMMANDED to permit inspect		February 20, 2008 10:00 am ises at the date and time specified below.
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600 Peachtree Street, Suite 2100 Atlanta, GA 30308 3 YOU ARE COMMANDED to permit inspect REMISES Any organization not a party to this suit the	tion of the following prement is subpoenaed for the ter persons who consent to the terson will testify. Federal PLAINTIFF OR DEFENDANT)	February 20, 2008 10:00 am ises at the date and time specified below. DATE AND TIME * aking of a deposition shall designate one or more of testify on its behalf, and may set forth, for each I Rules of Civil Procedure, 30(b)(6). DATE
600 Peachtree Street, Suite 2100 Atlanta, GA 30308 TYOU ARE COMMANDED to permit inspect Any organization not a party to this suit the icers, directors, or managing agents, or otherson designated, the matters on which the p	tion of the following prement is subpoenaed for the ter persons who consent to terson will testify. Federa	February 20, 2008 10:00 am ises at the date and time specified below. DATE AND TIME * aking of a deposition shall designate one or more of testify on its behalf, and may set forth, for each I Rules of Civil Procedure, 30(b)(6). DATE Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _ DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;

1 Physical Society

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Marty Smith CommuniComm Cable Services

United	States	District	Court
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TO: Custodian of Employment Records CommuniComm Cable Services PO Box 900 Roanoke, AL 36274 YOU ARE COMMANDED to appear in the United States District Court at the place, d testify in the above case. PLACE OF TESTIMONY * DATE AND 1 * YOU ARE COMMANDED to appear at the place, date, and time specified below to testing the above case. PLACE OF DEPOSITION * YOU ARE COMMANDED to produce and permit inspection and copying of the follow place, date, and time specified below (list documents or objects):	otify at the taking of a deposition
V. FLOWERS FOODS, INC., et al, CASE N TO: Custodian of Employment Records CommuniComm Cable Services PO Box 900 Roanoke, AL 36274 PLACE OF TESTIMONY * DATE AND T * YOU ARE COMMANDED to appear in the United States District Court at the place, ditestify in the above case. PLACE OF TESTIMONY * DATE AND T * YOU ARE COMMANDED to appear at the place, date, and time specified below to term the above case. PLACE OF DEPOSITION * YOU ARE COMMANDED to produce and permit inspection and copying of the follow place, date, and time specified below (list documents or objects):	UMBER: 3:07-cv-617-MHT ate, and time specified below to
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place, date, and time specified below (list documents or objects):	
place, date, and time specified below (list documents or objects):	
All documents that discuss, describe, reflect, or refer to the employment of James 3665), including all personnel files and documents; employment applications; all docume employment; all documents reflecting any complaints or grievances; all documents reflecting any complaints or grievances; all documents reflecting James Marty Smith's compensation and benefit package; and unemployment; provided, however, this request does not include payroll records, tiglocuments containing personal medical information.	Marty Smith (DOB: 9/3/1978, SS# 418-19- ents reflecting discipline and separation from ecting any separation or severance package; all documents relating to any claims for
PLACE Offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. Date and Ti	ME
0 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -	20, 2008 n
☐ YOU ARE COMMANDED to permit inspection of the following premises at the date a	nd time specified below.
PREMISES DATE AND TH	AE
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Any organization not a party to this suit that is subpoenaed for the taking of a deposi fficers, directors, or managing agents, or other persons who consent to testify on its be erson designated, the matters on which the person will testify. Federal Rules of Civil Pr	half, and may set forth, for each
ISSUING OFFICER SIGNATURE AND TITLE INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) Sandra B. Reiss, Esq. Attorney for Defendant February	The second secon

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

	·	PROOF (OF SERVICE
	DATE	PLACE	

SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
			<u> </u>

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on	
		DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Marty Smith Security Pest Control

United States District Court

	MIDDLE	DISTRICT OF _	ALABAMA
СНА	RLES MORROW, et al,		
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	V.		SODI GENA IN A CIVIL CASI
FLO	WERS FOODS, INC., et al,		CASE NUMBER: 3:07-cv-617-MHT
TO:	Custodian of Employment	Racorde	
	Security Pest Control	11000143	
	652 Cherokee Road		•
	Alexander City, AL 35010		
□ YOU	J ARE COMMANDED to appear in the	ne United States District Cou	art at the place, date, and time specified below to
	in the above case. FIESTIMONY		COURTROOM
			*
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			DATE AND TIME
7 \(\alpha\)	ADE COMMISSION		*
n the a	TARE COMMANDED to appear at the bove case.	ne place, date, and time spec	cified below to testify at the taking of a deposition
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000 Birmingham, AL 35203

<u> </u>		PROOF C	OF SERVICE
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on	

SIGNATURE OF SERVER

ADDRESS OF SERVER

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 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
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- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
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Marty Smith Superior Pest Control

United States District Con

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CHAR	LES MORROW, et al,		
	V.		SUBPOENA IN A CIVIL CAS
FLOW	ERS FOODS, INC., et al	,	CASE NUMBER: 3:07-cv-617-MHT
	Custodian of Employment Superior Pest Control 205 Park South Drive Lineville, AL 36266	Records	•
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C. One Federal Place, Suite 1000 Birmingham, AL 35203

		PROOF (OF SERVICE
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED 8Y (PRINT NAME)			TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Marty Smith Wal-Mart

United	States	District	Court
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MIDDLE	DISTRICT OFALABAMA
CHARLES MORROW, et al,	
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V.	SUBPOENA IN A CIVIL CA
FLOWERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
ΓΟ: Custodian of Employment Reco	
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2643 Highway 280	•
Alexander City, AL 35010	
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PLACE OF TESTIMONY	COURTROOM
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

	PROOF OF SERVICE				
	DATE	PLACE			
SERVED					
SERVED ON (PRINT NAME)			MANNER OF SERVICE		
SERVED BY (PRINT NAME)			TITLE		

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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on	
		DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Marty Smith Wadley Police Department

United States District Court

	DISTRICT OF _	ALABAMA
CHARLES MORROW, et al,		
		SUBPOENA IN A CIVIL CAS
V.		SUDFOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et al	,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employment Wadley Police Department 265 Highland Circle Wadley, AL 36276	Records .	
☐ YOU ARE COMMANDED to appear in testify in the above case.	the United States District Cour	t at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
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YOU ARE COMMANDED to appear at	the place, date, and time speci	fied below to testify at the taking of a deposition
the above case. PLACE OF DEPOSITION		,
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C. One Federal Place, Suite 1000 Birmingham, AL 35203 205/328-1900

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Lew Baxter Workforce of Montgomery

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	MIDDLE	DISTRICT OF _	ALABAMA
CHA	ARLES MORROW, et al,		
	V.		SUBPOENA IN A CIVIL CAS
FLO	WERS FOODS, INC., et al,		CASE NUMBER: 3:07-cv-617-MHT
го:	Custodian of Employment Record Workforce of Montgomery Inc 300 Arba Street Montgomery, AL 36104	ds	
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	F TESTIMONY		COURTROOM
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YOU	ARE COMMANDED to appear at the place	, date, and time speci	fied below to testify at the taking of a deposition
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Sandra B. Reiss, Esq. Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include. but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copyling commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Lew Baxter Hanson Pipe & Products

United States District Co.

	DISTRICT OF	ALABAMA
CHADI EC MODDOW	Photographic	
CHARLES MORROW, et al,		
v.		SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., et a	l,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employmen Hanson Pipe & Products 3750 Western Blvd. Montgomery, AL 36108	t Records	
I YOU ARE COMMANDED to appear in estify in the above case.	the United States District Court	at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
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YOU ARE COMMANDED to appear at	the place, date, and time specif	ied below to testify at the taking of a deposition
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000 Birmingham, AL 35203

·	PROOF OF SERVICE		
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on		
		DATE	

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Dwayne Cleveland Genuine Auto Parts

I Inited Ctat

MIDDLE	DISTRICT OF	ALABAMA
CUADI EC MODDOW		
CHARLES MORROW, et a	ıl,	200
V.		SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC.,	et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employn Genuine Auto Parts 3321 Mobile Highway Montgomery, Al 36108		
I YOU ARE COMMANDED to appea estify in the above case.	ar in the United States District Cour	t at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
		DATE AND TIME
		*
YOU ARE COMMANDED to appear	ar at the place, date, and time speci	fied below to testify at the taking of a deposition
the above case. PLACE OF DEPOSITION		
EAGE OF DEPOSITION		DATE AND TIME
* 1 YOU ARE COMMANDED to produce		*
I YOU ARE COMMANDED to product ace, date, and time specified below I documents that discuss, describtion-0339), including all personnel filesom employment; all documents reckage; documents reflecting Dwaynims for unemployment; provided,	reflect, or refer to the employmes and documents; employment applecting any complaints or grievangue Eric Cleveland's compensation however, this request does not income.	olications; all documents reflecting discipline and separatices; all documents reflecting any separation or severar
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YOU ARE COMMANDED to producted, date, and time specified below documents that discuss, describtion and personnel files on employment; all documents reckage; documents reflecting Dwayims for unemployment; provided, ner documents containing personal one Federal Place, Suite 1000 600 Peachtree Street, Suite 21 Atlanta, GA 30308	reflect, or refer to the employmes and documents; employment applied any complaints or grievant yne Eric Cleveland's compensation however, this request does not incomedical information. Jash, Smoak & Stewart, P.C.	ent of Dwayne Eric Cleveland (DOB: 10/11/1968, SS# 4: blications; all documents reflecting discipline and separatices; all documents reflecting any separation or severar and benefit package; and all documents relating to a clude payroll records, time records, medical records, or a DATE AND TIME February 20, 2008 10:00 am
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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	DATE	PLACE		
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SERVED				
SERVED ON (PRINT NAM	16)		79. 79. 10	MANNER OF SERVICE
SERVED BY (PRINT NAMI	= 1			
	-1			TITLE

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- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
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 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
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Dwayne Cleveland Lowe's Auto Parts

· · · · · · · · · · · · · · · · · · ·	MIDDLE	DISTRICT OF	ALABAMA
СНАІ	RLES MORROW, et al,		
	V.		SUBPOENA IN A CIVIL CASI
FLOW	ERS FOODS, INC., et al,		CASE NUMBER: 3:07-cv-617-MHT
	Custodian of Employment Lowe's Auto Parts 424 Bibb Street Montgomery, AL 36104	Records	
☐ YOU / testify in	ARE COMMANDED to appear in the above case.	ne United States District Court	at the place, date, and time specified below to
PLACE OF T			COURTROOM
*			*
			DATE AND TIME
□ YOU Æ	BE COMMANDED to appear at th	no plane data au lui	*
n the abo	ove case.	ue place, uate, and time specifi	ed below to testify at the taking of a deposition
PLACE OF D	EPOSITION	***************************************	DATE AND TIME
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* × YOU A	RE COMMANDED to produce and	d permit inspection and convinc	* 1 of the following documents or chi
☑ YOU A blace, dat All docun 1-0339), rom emp ackage; laims for	nents that discuss, describe, reflicted including all personnel files and floyment; all documents reflecting Dwayne Frederick documents reflecting Dwayne Frederick in the first that the	ect, or refer to the employment documents; employment appli g any complaints or grievance ic Cleveland's compensation /er, this request does not include:	of the following documents or objects at the at of Dwayne Eric Cleveland (DOB: 10/11/1968, SS# 420 cations; all documents reflecting discipline and separations; all documents reflecting any separation or severance.
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Sandra B. Reiss, Esq. Ogletree, Deakins, Nash, Smoak & Stewart, P.C. One Federal Place, Suite 1000 Birmingham, AL 35203

	PROOF OF SERVICE		
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Dwayne Cleveland McConnell Honda

United States District Court

	MIDDLE	DISTRICT OF _	ALABAMA
CHAR	LES MORROW, et al,		
	, , , , , , , , , , , , , , , , , , , ,		SUBPOENA IN A CIVIL CAS
	V.		object of the case
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*			*
			DATE AND TIME
) YOU A	RE COMMANDED to annear at the	ne place, data, and time once	fied below to testify at the taking of a deposition
the abo	ove case.	e piace, date, and time speci	ned below to testify at the taking of a deposition
PLACE OF DE	POSITION		DATE AND TIME
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II docum 1-0339), om empi ackage; aims for	nents that discuss, describe, ref including all personnel files and loyment; all documents reflecting documents reflecting Dwayne E	locuments or objects): lect, or refer to the employm documents; employment application g any complaints or grievant ric Cleveland's compensation ver, this request does not income.	ang of the following documents or objects at the ent of <i>Dwayne Eric Cleveland</i> (DOB: 10/11/1968, SS# 42 plications; all documents reflecting discipline and separation ces; all documents reflecting any separation or severance and benefit package; and all documents relating to an elude payroll records, time records, medical records, or an elude payroll records.
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

	PROOF OF SERVICE			
	DATE	PLACE		
SERVED				
SERVED ON (PRINT NAME)			MANNER OF SERVICE	
	·			
SERVED BY (PRINT NAME)			TITLE	
	•	DECLARATIO	ON OF SERVER	

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Gary Chambliss McKee Foods

United States District Court

		tes District Court
	MIDDLE DISTRIC	T OF ALABAMA
СНА	RLES MORROW, et al,	
	V.	SUBPOENA IN A CIVIL CASI
FLO	WERS FOODS, INC., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO:	Custodian of Employment Records McKee Foods 10260 McKee Road Ooltewah, TN 37363	
☐ YOU	J ARE COMMANDED to appear in the United States I in the above case.	District Court at the place, date, and time specified below to
	FTESTIMONY	COURTROOM
*		*
		DATE AND TIME
		*
□ YOU in the a	ARE COMMANDED to appear at the place, date, and bove case.	d time specified below to testify at the taking of a deposition
PLACE OF	FDEPOSITION	DATE AND TIME
*		*
olace, d All doc 9984), i employr docume unemplo	nate, and time specified below (list documents or objection or refer to including all personnel files and documents; employing ment; all documents reflecting any complaints or grients reflecting Gary Chambliss's compensation and compensation and compensation.	on and copying of the following documents or objects at the elects): the employment of Gary Chambliss (DOB: 11/09/1956, SS# 264-25-nent applications; all documents reflecting discipline and separation from evances; all documents reflecting any separation or severance package; and benefit package; and all documents relating to any claims for include payroll records, time records, medical records, or any other
PLACE C	Offices of Ogletree, Deakins, Nash, Smoak & Stewart	P.C. DATE AND TIME
C	One Federal Place, Suite 1000	February 20, 2008
	600 Peachtree Street, Suite 2100 Atlanta, GA 30308	10:00 am
	J ARE COMMANDED to permit inspection of the follo	owing premises at the date and time specified below.
PREMISES		DATE AND TIME
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micers,	organization not a party to this suit that is subpoened directors, or managing agents, or other persons who lesignated, the matters on which the person will testi	ed for the taking of a deposition shall designate one or more occursent to testify on its behalf, and may set forth, for each ify. Federal Rules of Civil Procedure, 30(b)(6).
	FROER SIGNATURE AND TITLE INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFEND.	ant) Date a B. Reiss, Esq.
SSUING OF	FICER'S NAME, ADDRESS AND PHONE NUMBER	y for Defendant February , 2008
	Sandra B. Reiss, Esq.	

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

	PROOF OF SERVICE			
	DATE	PLACE		
SERVED				
SERVED ON (PRINT NAME)	SERVED ON (PRINT NAME)		MANNER OF SERVICE	
SERVED BY (PRINT NAME)			TITLE	
DECLARATION OF SERVER				
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.				
Executed on				
DATE		SIGI	NATURE OF SERVER	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena

ADDRESS OF SERVER

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Gary Chambliss Chambliss Distributors, Inc.

United States District Court

MIDDLE	DISTRICT OF	ALABAMA
CHARLES MORROW, et al]	
inolator, et a	£ 9	
V.		SUBPOENA IN A CIVIL CAS
FLOWERS FOODS, INC., e	et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employm The Chambliss Distribu PO Box 421 Alford, FL 32420	nent Records Itors, Inc.	
☐ YOU ARE COMMANDED to appea estify in the above case.	r in the United States District Court	at the place, date, and time specified below to
PLACE OF TESTIMONY		СОИНТЯСОМ
*		*
•		DATE 410 TO #
		DATE AND TIME
YOU ARE COMMANDED to appear the above case.	r at the place, date, and time specific	ed below to testify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
*		
T VOLLARE CONTRACT		*
ace, date, and time specified below	ce and permit inspection and copying	g of the following documents or objects at the
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Offices of Ogletree, Deakins, N	ash Smoak & Stewart P.C	DATE AND TIME
One Federal Place, Suite 1000		February 20, 2008
600 Peachtree Street, Suite 21 Atlanta, GA 30308	00	10:00 am
REMISES	inspection of the following premises	s at the date and time specified below.
		DATE AND TIME
		*
and a control of the finding agents.	s suit that is subpoenaed for the takir , or other persons who consent to te ch the person will testify. Federal Ru	ng of a deposition shall designate one or more stify on its behalf, and may set forth, for each
SUING OFFICER SIGNATURE AND TITLE IINDICATE IF ATT	ORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Oude a Bla	Sandra B. Reiss, Esc	1
- Constant	Attorney for Defendar	
BUING OFFICER'S NAME, ADDRESS AND PHONE NUMBE	:R	
Sandra B. Reiss, Esq.		

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203 205/328-1900

		PROOI	F OF SERVICE
	DATE	PLACE	
SERVED			
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE
		DECLARAT	TION OF SERVER
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r declare un ined in the Proof c	ider penaity of pe of Service is true	erjury under the laws of t and correct.	he United States of America that the foregoing information cor

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

DATE

Executed on

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include. but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Michael Overton Five Star Food Service

TInitad Ct

MIDDLE	DISTRICT OF	ALABAMA
CHARLES MORROW, et al,		
inolatori, te ai,	1	SUBPOENA IN A CIVIL CAS
V.		BODI OENA IN A CIVIL CA
FLOWERS FOODS, INC., et	al,	CASE NUMBER: 3:07-cv-617-MHT
FO: Custodian of Employme Five Star Food Service 1001 Longley Place LaGrange, GA 30240	ent Records	
I YOU ARE COMMANDED to appear estify in the above case.	in the United States District Cou	rt at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*	•	*
		DATE AND TIME
		*
YOU ARE COMMANDED to appear the above case.	at the place, date, and time spec	ified below to testify at the taking of a deposition
LACE OF DEPOSITION		
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YOU ARE COMMANDED to produce	e and permit inspection and copy	ing of the following documents or objects at the
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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ervice is true and correct.

Executed on __ DATE

SIGNATURE OF SERVER

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Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance:
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded travel from any such place within the state in which the trial is held or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research. development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Michael Overton James Cable Partners

United States District C

MIDDLE	DISTRICT OF	ALABAMA
		ALADAMA
CHARLES MORROW, et	t al,	
V.		SUBPOENA IN A CIVIL CA
FLOWERS FOODS, INC.	, et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Employ James Cable Partne 5440 Eatonton Rd Madison, GA 30650	yment Records rs	•
I YOU ARE COMMANDED to appeasify in the above case.	pear in the United States District Cou	art at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*		*
		DATE AND TIME
VOLLAGE COMMANDED		*
the above case.	pear at the place, date, and time spec	ified below to testify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
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YOU ARE COMMANDED to pro	duce and pormit inpractice and	ing of the following documents or objects at the
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Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

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SERVED ON (PRINT NAME)	***************************************	A PARTIE DE LA PROPERTIE DE LA	MANNER OF SERVICE		
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

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SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

- (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance;
 - (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

- son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
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Greg Patisaul Patisaul Pressure Washing

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United	States	District	Court

	DISTRICT OF	ALABAMA
CHARLES MORROW, e	et al.	
,	,	SUBPOENA IN A CIVIL CAS
V.		
FLOWERS FOODS, INC	., et al,	CASE NUMBER: 3:07-cv-617-MHT
TO: Custodian of Emplo	yment Records	
Patisaul Pressure W	/ashing	
107 A Dilly Hill LaGrange, GA 3024	0	
Edolange, GA 3024	.0	
☐ YOU ARE COMMANDED to ap testify in the above case.	ppear in the United States District Cou	rt at the place, date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
*	*	*
		DATE AND TIME
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YOU ARE COMMANDED to apport to the above case.	pear at the place, date, and time spec	ified below to testify at the taking of a deposition
PLACE OF DEPOSITION		
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Sandra B. Reiss, Esq.

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

One Federal Place, Suite 1000

Birmingham, AL 35203

PROOF OF SERVICE				
	DATE	PLACE		
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SERVED ON (PRINT NAME)			MANNER OF SERVICE	
SERVED BY (PRINT NAME)			TITLE	
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed	on		
		DATE	

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

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